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In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 5.9.2007.

Gordhan Dass Sharma (since deceased)
(through (a) Smt. Shakuntala Devi widow of Gordhan Dass Sharma, (b) Mahesh Kumar © Dinesh Kumar (d) Rakesh Kumar (e) Satish Kumar sons of Gordhan Dass Sharma and (f) Smt. Sunita daughter of Gordhan Dass Sharma, who were impleaded as L.Rs vide order dated 5.9.2007 passed in Civil Misc. No.7486/CII of 2007)

.... Petitioner.

vs

Haryana State through Industrial Training Department,
Chandigarh and others .... Respondents.

Before : Hon'ble Mr. Justice R.S.Madan.

Present: Mr.Jaswant Jain,Advocate,for the petitioner.
Mr.Imma Singh Kang, Deputy Advocate General, Haryana.

R.S.Madan, J.

This revision is directed against the order dated 13.12.1991, passed by the Additional Senior Sub-Judge, Narnaul, in the execution proceedings whereby the claim of the petitioner to cross the efficiency bar on due date, was disallowed.

The petitioner - decree holder has filed a suit for declaration in the year 1984 in which he claimed that he is entitled for promotion to the post of Superintendent from 16.7.1981 alongwith pay and other emoluments since then. The trial court decreed the suit of the petitioner and held that he is entitled to promotion with effect from the date from which his promotion became due after promotion of Shiv Charan Gupta and K.L.Batra and before promotion of defendants no.5 and 8 was made or assumed to be made. Though the petitioner was granted promotion to the post of Superintendent

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from the due date i.e. 16.7.1981 but he was neither paid the allowances for the period from 16.7.1981 to 1.9.1983 nor he was allowed to cross the efficiency bar during his service career. Once the petitioner is allowed promotion, he was also entitled to pay and allowances of the post to which he was promoted. The other consequential benefits of service were also to follow.

Accordingly, the impugned order dated 13.12.1991, passed by the Additional Senior Sub-Judge, Narnaul, in the execution petition is set aside and this revision is accepted. It is made clear that the petitioner shall be entitled to the arrears of salary on promotion with effect from 16.7.1981 to 1.9.1983 as well as to other benefits which he would have received from the date of promotion i.e. 16.7.1981 in the usual course of his service career.

5.9.2007. (R.S.Madan)
vs. Judge.